

Notice of Allowability

Application No.

10/087,562

Examiner

Fenn C Mathew

Applicant(s)

MEISSNER, RICHARD K.

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3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/05/2004.
2. ☒ The allowed claim(s) is/are 2-16.
3. ☒ The drawings filed on 01 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

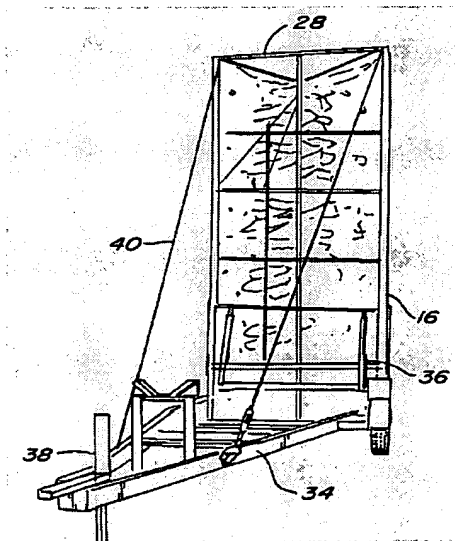
1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION***Election/Restrictions***

Claims 11, 14, 15, and 16 have been rejoined as species of an allowable generic claim.

Allowable Subject Matter

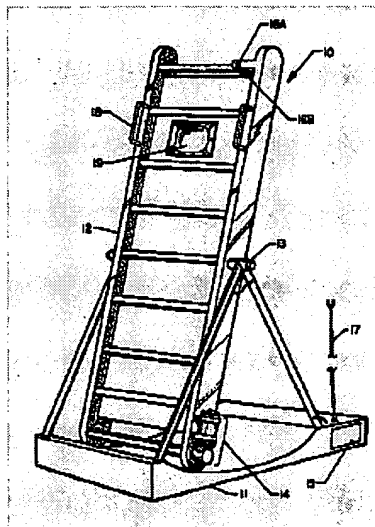
Claims 2-16 are allowed. Wilson (6,083,142) as seen below



teaches a climbing arrangement comprising a generally rigid framework (28) capable of being removed from a support surface (34) a panel structure mounted on the frame work for defining a climbing surface, the panel structure carrying a plurality of climbing holds, and a support structure secured between the framework and the climbing surface in a substantially vertical orientation. Wilson fails to teach the support surface being a pier or pontoon boat, and further does not teach a mounting device comprising a mounting plate attached to the end of the support surface, the mounting plate having a pair of spaced apart tubular receivers, a triangular

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bracket on the bottom of each framework leg having a tubular knuckle disposed between the receivers on the mounting plate, and a removable hinge pin passed through the aligned receivers and knuckle.

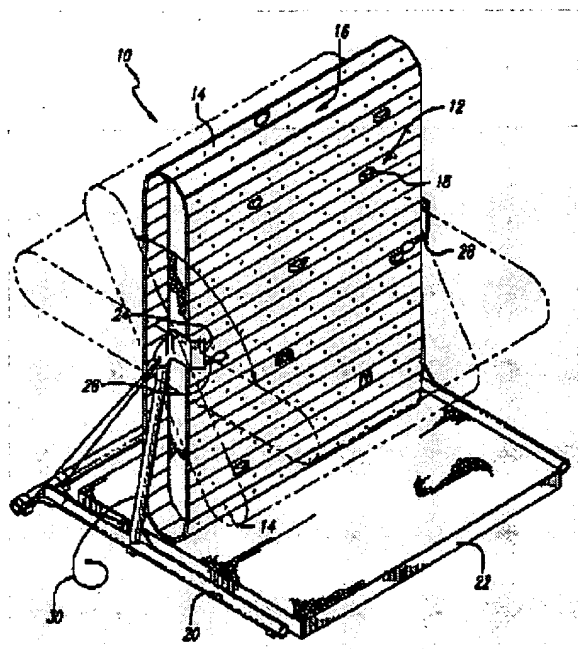


Ehrenfield (U.S. 4,848,737) as seen teaches a

climbable device including a frame rotatably attached to a support surface, including a plurality of climbing handholds. Ehrenfield fails to teach the framework defining a panel structure, and further does not teach or make obvious the support surface being a pier or pontoon boat, and further does not teach a mounting device comprising a mounting plate attached to the end of the support surface, the mounting plate having a pair of spaced apart tubular receivers, a triangular bracket on the bottom of each framework leg having a tubular knuckle disposed between the receivers on the mounting plate, and a removable hinge pin passed through the aligned receivers and knuckle.

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Thompson (U.S. 6,231,482) as displayed below

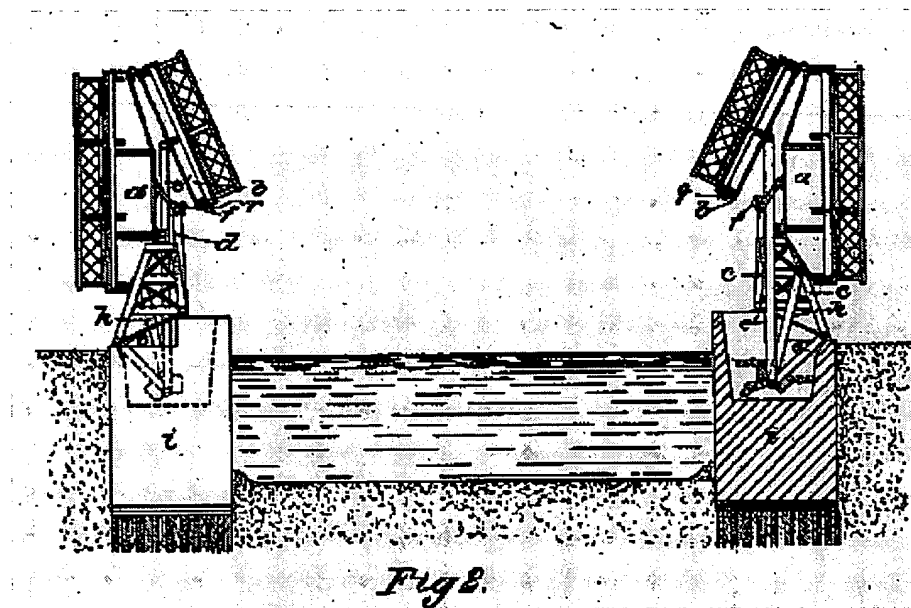


teaches a climbing surface including a panel

structure, a plurality of handholds, a frame, and a support structure onto which the frame is attached. Thompson fails to teach or make obvious the support surface being a pier or pontoon boat, and further does not teach a mounting device comprising a mounting plate attached to the end of the support surface, the mounting plate having a pair of spaced apart tubular receivers, a triangular bracket on the bottom of each framework leg having a tubular knuckle disposed between the receivers on the mounting plate, and a removable hinge pin passed through the aligned receivers and knuckle.

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Worden (U.S. 534,704) as seen below

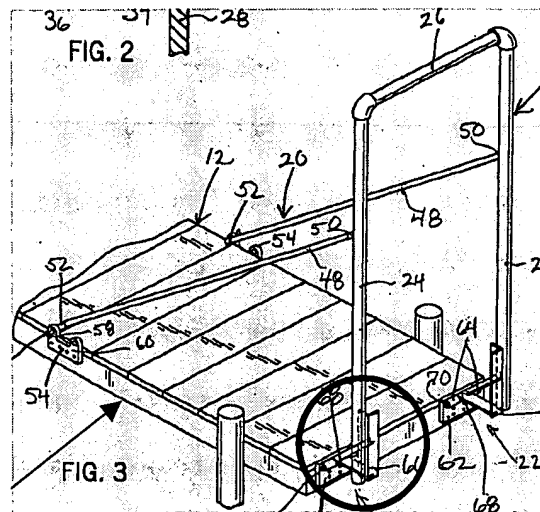
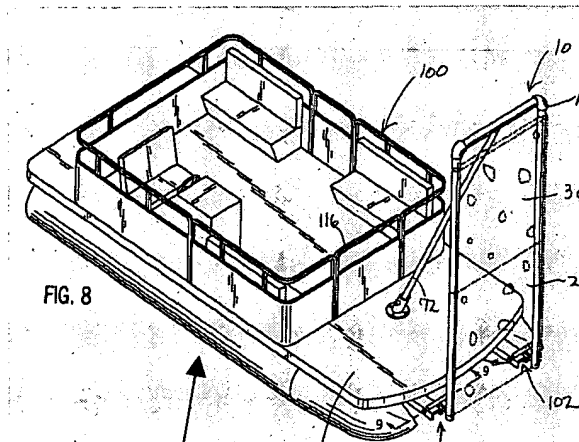
*Fig. 2.*

teaches in the broadest

sense, a support structure adjacent a body of water, and a frame including panels.

Worden fails to teach climbing handholds, and further does not teach or make obvious the support structure comprising a pontoon boat, and further does not teach a mounting device comprising a mounting plate attached to the end of the support surface, the mounting plate having a pair of spaced apart tubular receivers, a triangular bracket on the bottom of each framework leg having a tubular knuckle disposed between the receivers on the mounting plate, and a removable hinge pin passed through the aligned receivers and knuckle.

The prior art of record fails to teach or make obvious a climbable surface including a plurality of handholds, the climbable surface removably attached to a support structure adjacent a body of water or having a mounting device as describe above (see below figures).



The preceding is an examiner's statement of reasons for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (703) 305-2846. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ycm

fcm

October 26, 2004

JR

**JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700**

10/26/04